

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

| I. (a) PLAINTIFFS AMY SCOTT | | DEFENDANTS KNOWLEDGE UNIVERSE, KINDERCARE LEARNING CENTER | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|---|--|---|------------|----------------|---|--|---|--|--|--|--|---|--|--|--|--|--|--|--|--|--|--|--|---|
| (b) County of Residence of First Listed Plaintiff <u>DELAWARE</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i> | | County of Residence of First Listed Defendant <u>MULTNOMAH</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. | | | | | | | | | | | | | | | | | | | | | | | | |
| (c) Attorneys (Firm Name, Address, and Telephone Number) JOHN NEUMANN HICKEY, 20 W. FRONT ST. MEDIA PA 19063 610-891-8883 | | Attorneys (If Known) UNKNOWN | | | | | | | | | | | | | | | | | | | | | | | | |
| II. BASIS OF JURISDICTION (Place an "X" in One Box Only) | | III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i> | CITIZEN OF THIS STATE | PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i> | CITIZEN OF ANOTHER STATE | PTF DEF <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State | | | | | | | | | | | | | | | | | | | | | | | |
| | | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | PTF DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation | | | | | | | | | | | | | | | | | | | | | | | |
| IV. NATURE OF SUIT (Place an "X" in One Box Only) | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>CONTRACT</th> <th>TORTS</th> <th>FORFEITURE/PENALTY</th> <th>BANKRUPTCY</th> <th>OTHER STATUTES</th> </tr> </thead> <tbody> <tr> <td> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise </td> <td> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - 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| V. ORIGIN (Place an "X" in One Box Only) | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 5 Transferred from Another District | <input type="checkbox"/> 6 Multidistrict Litigation | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 29 USC 2601 | | | | | | | | | | | | | | | | | | | | | | | | |
| VI. CAUSE OF ACTION | | Brief description of cause: Violation of FMLA | | | | | | | | | | | | | | | | | | | | | | | | |
| VII. REQUESTED IN COMPLAINT: | | <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. | DEMAND \$ <u>\$100,000 -</u> | | | | | | | | | | | | | | | | | | | | | | | |
| VIII. RELATED CASE(S) IF ANY | | (See instructions): JUDGE _____ DOCKET NUMBER _____ | | | | | | | | | | | | | | | | | | | | | | | | |
| DATE 11/02/2015 | SIGNATURE OF ATTORNEY OF RECORD <i>[Signature]</i> | | | | | | | | | | | | | | | | | | | | | | | | | |
| FOR OFFICE USE ONLY | | | | | | | | | | | | | | | | | | | | | | | | | | |

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 123 Rose Ln, Springfield, PA 19064

Address of Defendant: 650 NE Holladay St, Suite 1400 Portland OR 97232-2096

Place of Accident, Incident or Transaction: Aston , Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases

11. All other Federal Question Cases

(Please specify) FMLA

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify) _____
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, John N. Hickey,

counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 11/2/2015

61896

Attorney-at-Law **JOHN NEUMANN HICKEY**

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/2/2015

61896

Attorney-at-Law

JOHN NEUMANN HICKEY

CIV. 609 (S/2012)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

| | | |
|------------------------------------|---|--------------|
| AMY SCOTT | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| KNOWLEDGE UNIVERSE EDUCATION ET AL | : | NO. |

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

| | | |
|------------------|------------------------|-----------------------|
| 11/2/15 | JOHN NEUMANN HICKEY | PLAINTIFF |
| <u>Date</u> | <u>Attorney-at-law</u> | <u>Attorney for</u> |
| 610-891-8883 | 610-891-8923 | JNH@hickeylaw.net |
| <u>Telephone</u> | <u>FAX Number</u> | <u>E-Mail Address</u> |

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | |
|----------------------------|---|
| AMY SCOTT | : |
| 123 ROSE LANE | : |
| SPRINGFIELD, PA 19064 | : |
| Plaintiff, | : |
| v. | : |
| KNOWLEDGE UNIVERSE | : |
| EDUCATION, LLC | : |
| 650 NE HOLLADAY STREET | : |
| SUITE 1400 | : |
| PORLAND OR 97232-2096 | : |
| Defendant | : |
| & | : |
| KINDERCARE LEARNING CENTER | : |
| 650 NE HOLLADAY STREET | : |
| SUITE 1400 | : |
| PORLAND OR 97232-2096 | : |
| Defendant | : |

COMPLAINT

PARTIES

1. The plaintiff is Amy Scott an adult who lives at 123 Rose Lane, Springfield, PA 19064.
2. The defendant is Knowledge Universe Education, LLC (hereinafter "Knowledge Universe"), a Delaware Limited Liability Company whose primary place of business is 650 NE Holladay Street, Suite 1400, Portland OR 97232-2096. This defendant has more than fifty (50) employees.
3. The defendant is KinderCare Learning Center, LLC (hereinafter KinderCare"), a Delaware Limited Liability Company whose primary place of business is 650 NE Holladay Street, Suite 1400, Portland OR 97232-2096. This defendant has more than fifty (50) employees.
4. This action is brought under the Family and Medical Leave Act (FMLA) Title 29 U.S.C. § 2601 et seq. and for retaliation for plaintiff's seeking protection under the FMLA.

JURISDICTION

5. Jurisdiction is invoked pursuant to 28 U.S.C. 1331 and 1331.

VENUE

6. Plaintiffs employment was within this judicial district. The unlawful acts of the defendant occurred in this district.

FACTUAL BACKGROUND

7. In October 2013 the plaintiff was employed by the defendants as an Assistant Director at KinderCare Learning Center in Aston, Pennsylvania. KinderCare is a subsidiary of Knowledge Universe. Plaintiff's actual employer was Knowledge Universe but plaintiff was employed at a KinderCare location.

8. Plaintiff had requested and was granted intermittent FMLA leave due to medical conditions which include endometriosis and associated problems including the possibility of Lupus and M.S.

9. The Director at this location and the plaintiff's immediate Supervisor was Fran Lochman.

10. On or about November 22, 2013 the plaintiff became very ill due to the conditions for which she was granted intermittent FMLA leave. Her doctor told her not to work.

11. The plaintiff made Fran Lochman aware of her condition and her doctor's order.

12. While not working the plaintiff contacted Fran Lochman every day by either text or phone call.

13. On December 9, 2013 the plaintiff saw her physician who informed her to stay out of work for two more weeks.

14. The plaintiff made Fran Lochman aware of this on the same day.

15. On December 9, 2013 Ms. Lochman told the plaintiff to return to work or she would be fired. Fran Lochman advised that a district manager named "Doug" wanted to replace the plaintiff because of the FMLA leave and that "Doug" did not care about the doctor's notes.

16. Plaintiff was unable to return to work and was under physician's orders not to return to work.

17. Within a few weeks Fran Lochman had the plaintiff's personal belongings which were at work delivered to her home.

18. A short time later the plaintiff contacted Knowledge Universe's corporate benefits department to see about short term disability. Plaintiff requested that all appropriate forms and paperwork be faxed to her doctor and corporate ("Elizabeth") informed they would fax everything over to her treating doctor.

19. The following week, upon learning that corporate had not faxed the paperwork to her doctor, she called corporate again. She was informed that she had been terminated and that her boss Fran Lochman had informed that plaintiff "fell off the face of the earth" and that she had not heard from the plaintiff since November 22, 2013 which was not true.

19. The plaintiff believes and therefore avers she was terminated for exercising her right to Intermittent FMLA leave.

20. The plaintiff followed all work rules and provided all proper medical documentation to take her approved FMLA leave.

21. The action of the defendant is in violation of the FMLA.

22. The actions of the defendant are retaliatory.

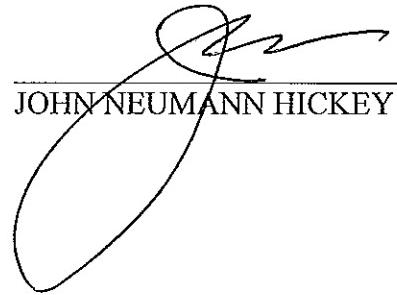
23. As a result the plaintiff sustained damages including loss of employment and wages.

24. By requesting FMLA Leave the plaintiff was engaging in a statutorily protected conduct.

25. As a result plaintiff had an adverse employment reaction, she was fired.
26. The events were so close in time demonstrating a causal connection between the two events.
27. As a result the plaintiff lost her job, the pay from her job and the bonuses she would have been entitled to receive.

WHEREFORE, plaintiff claims all damages recoverable in a FMLA claim and a FMLA Retaliation claim, including front pay, back pay, liquidated damages and attorney's fees.

Respectfully submitted,



JOHN NEUMANN HICKEY